

# Exhibit 14

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDRA GUZMAN, )  
 )  
 Plaintiff, )  
 )  
 vs. ) 09CIV9323  
 ) (BSJ(RLE)  
 NEWS CORPORATION, NYP HOLDINGS, )  
 INC., d/b/a THE NEW YORK POST, )  
 and COL ALLAN, in his official )  
 and individual capacities, )  
 )  
 Defendants. )  
 -----)

VIDEOTAPED DEPOSITION OF EBONY CLARK  
New York, New York  
Wednesday, May 30, 2012

Reported by:  
Philip Rizzuti  
JOB NO. 50101

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1 Clark  
 2 A. No.  
 3 MR. DATOO: Objection.  
 4 Q. You don't know if it was Congress  
 5 or President Obama?  
 6 A. No.  
 7 Q. Do you recall that the week the  
 8 cartoon was printed there was a vicious  
 9 chimpanzee attack in Connecticut?  
 10 A. Yes.  
 11 Q. Is it your belief that Col Allan  
 12 believed that the chimpanzee was supposed to  
 13 represent President Barack Obama?  
 14 A. Yes.  
 15 Q. What is the basis for your belief?  
 16 A. I do know that he made a comment  
 17 in regards to the cartoon, and at the time  
 18 when there was a protest in front of News  
 19 Corp. he made a derogatory comment about it.  
 20 And the cartoon was self-explanatory, like you  
 21 can -- anyone with an educated mind can look  
 22 at it and see what it is referring to or what  
 23 it is trying to state or imply.  
 24 Q. Anyone with an educated mind  
 25 would -- can see what it is referring to?

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1 Clark  
 2 the way you saw it?  
 3 A. I would hope they would.  
 4 Q. Do you know if Col Allan was aware  
 5 of the historically derogatory association of  
 6 African-Americans to primates?  
 7 A. I am not certain, but I do know  
 8 that he made derogatory comments the day that  
 9 the cartoon was released and there was a  
 10 protest about it around the time. I don't  
 11 know if it was the exact day, but around that  
 12 time it was a protest and he made really bad  
 13 comments.  
 14 Q. Tell me --  
 15 A. In front of me.  
 16 Q. Tell me the bad comments that Mr.  
 17 Allan made in front of you?  
 18 A. I don't remember exactly what he  
 19 said, but it was something to the effect of  
 20 blacks and being monkeys, or something he said  
 21 to that effect. I don't remember exactly what  
 22 it was, but I was appalled that he said it in  
 23 front of me.  
 24 Q. I'm sorry, what do you recall Mr.  
 25 Allan saying to you?

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1 Clark  
 2 A. Yes.  
 3 Q. What do you mean by that?  
 4 MR. DATOO: Objection.  
 5 A. I think that it was clear that you  
 6 can see -- do you have it present?  
 7 Q. We do have it, but why don't you  
 8 finish your thought?  
 9 A. I think that it was clear, the  
 10 cartoon was self-explanatory. Like it was  
 11 there smack on the cartoon, and I mean it was  
 12 clear.  
 13 Q. Do you know who Robert George is?  
 14 A. No.  
 15 Q. Do you know that not everyone  
 16 found the cartoon offensive?  
 17 A. I do not.  
 18 Q. Do you know that there were  
 19 African-American employees at The Post who did  
 20 not find the cartoon offensive?  
 21 MR. DATOO: Objection.  
 22 A. I am not aware of that. I am only  
 23 aware of my feelings.  
 24 Q. So is it your contention that  
 25 anyone with an education would see the cartoon

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1 Clark  
 2 A. I don't recall exactly what he  
 3 said. But it was something to the effect of  
 4 it involved blacks, it was a very bad comment,  
 5 and it was referring to the people who were  
 6 standing outside protesting, which included Al  
 7 Sharpton and various other public figures that  
 8 are African-American.  
 9 Q. So sitting here today you really  
 10 don't recall whether or not Mr. Allan said  
 11 anything about blacks being depicted as  
 12 monkeys that day?  
 13 A. No. I do recall him saying a  
 14 negative comment to that extent. I don't  
 15 remember exactly what it was, it is probably  
 16 in my affidavit. But it was so long ago I  
 17 don't remember exactly what he said.  
 18 Q. So whatever you would have written  
 19 at the time would be a much more accurate  
 20 statement as to what --  
 21 A. Yes.  
 22 Q. I just have to finish.  
 23 Whatever you wrote at the time  
 24 would have been -- would be a much more  
 25 accurate representation of what Mr. Allan

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1 Clark  
2 said; is that right?  
3 A. Yes. What I wrote at the time.  
4 MR. LOVINGER: Let's go off the  
5 record.  
6 THE VIDEOGRAPHER: The time is  
7 1:02 p.m., we are off the record.  
8 (Luncheon recess: 1:02 p.m.)  
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1 Clark  
2 AFTERNOON SESSION  
3 (Time noted: 2:13 p.m.)  
4 E B O N Y C L A R K, resumed and  
5 testified as follows:  
6 EXAMINATION BY (Cont'd.)  
7 MR. LOVINGER:  
8 THE VIDEOGRAPHER: The time is  
9 2:13 p.m., we are on the record.  
10 Q. Ebony, right before we broke for  
11 lunch I was asking you about Col Allan's  
12 statements shortly after the cartoon was  
13 published and you said I don't remember what  
14 he said. Do you recall?  
15 A. Yes.  
16 Q. So I would like to show you a  
17 document you drafted shortly after the cartoon  
18 appeared in The Post, and we are going to mark  
19 this document as Clark Exhibit 11. Its Bates  
20 stamped NYP 1653 through 1657, and please take  
21 a couple of minutes to look at that document.  
22 (Clark Exhibit 11, document Bates  
23 stamped NYP 1653 through 1657, marked  
24 for identification, as of this date.)  
25 A. Uh-hum.

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1 Clark  
2 Q. Ebony, you wrote the text in what  
3 has been marked as Clark Exhibit 11 five days  
4 after the cartoon appeared in the New York  
5 Post on February 18, 2009; is that correct?  
6 A. Yes.  
7 Q. Does reviewing the document marked  
8 as Clark Exhibit 11 refresh your recollection  
9 as to what was said that day?  
10 A. Yes.  
11 Q. I am just going to ask you some  
12 general questions now so you don't need to  
13 read the document. If you are not done  
14 reading it I can wait.  
15 A. That is fine.  
16 Q. So can you please let me know what  
17 your recollection is as to what Col Allan said  
18 following the publication of the cartoon that  
19 you personally heard?  
20 A. I remember when I went into his  
21 office to I believe give him a paper, and at  
22 the time the protest was going on outside that  
23 I went to be a part of, but at the time I had  
24 to come back upstairs to finish doing my job,  
25 Myron was nice enough to let us go for a

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1 Clark  
2 little while to see -- meaning myself and  
3 Shari -- go to the protest, you know, because  
4 it was a lot of people from News Corp. there  
5 as well as people who were opposing it and  
6 people who were for it. So he let us go for a  
7 little while, he told us we could go outside  
8 for about 15 or 20 minutes.  
9 So we went outside, and then when  
10 I came back we had to resume our duties, and  
11 when I went into his office he was on the  
12 phone, but he was looking towards the window,  
13 outside of the window, and he made a comment  
14 about the people who were outside protesting,  
15 saying that they weren't smart and the  
16 majority of them are minorities that are out  
17 there.  
18 Q. Do you know who Col Allan was  
19 speaking to on the telephone?  
20 A. I am not certain who he was  
21 speaking to.  
22 Q. Do you have any idea who Col Allan  
23 was speaking to on the phone?  
24 A. No.  
25 Q. And is it true that you didn't

<p style="text-align: right;">Page 146</p> <p>1 Clark</p> <p>2 first office and he was sitting down, like I</p> <p>3 said he was looking out the window. When I</p> <p>4 went into his office he was standing up</p> <p>5 looking out the window, he made the comment, I</p> <p>6 did what I had to do and then I left.</p> <p>7 Q. What position was he in when he</p> <p>8 made the comment?</p> <p>9 A. I believe he was looking out the</p> <p>10 window.</p> <p>11 Q. Do you know for sure that he was</p> <p>12 looking at the window?</p> <p>13 A. From my memory, yes, he was</p> <p>14 looking out the window.</p> <p>15 Q. Was he sitting or standing when he</p> <p>16 made the comment?</p> <p>17 A. He was standing.</p> <p>18 Q. Was that after or before you made</p> <p>19 eye contact with Mr. Allan?</p> <p>20 A. I don't remember.</p> <p>21 Q. And tell me again what you heard</p> <p>22 Mr. Allan say?</p> <p>23 A. I heard him say that the -- that</p> <p>24 the people were not smart and that the</p> <p>25 majority of them are minorities.</p>	<p style="text-align: right;">Page 147</p> <p>1 Clark</p> <p>2 Q. And is this your best recollection</p> <p>3 of what Mr. Allan said?</p> <p>4 A. Yes.</p> <p>5 Q. And that is what you wrote in this</p> <p>6 document that has been marked as Clark Exhibit</p> <p>7 11; right?</p> <p>8 A. Uh-hum.</p> <p>9 Q. We actually need a verbal answer</p> <p>10 to the last question, Ebony.</p> <p>11 This is your best recollection of</p> <p>12 what Mr. Allan said?</p> <p>13 A. Yes.</p> <p>14 Q. And that is what you wrote in the</p> <p>15 document that has been marked as Clark Exhibit</p> <p>16 11?</p> <p>17 A. Yes.</p> <p>18 Q. I would like you to look at Clark</p> <p>19 Exhibit 11, the page that is the second to</p> <p>20 last page, it is Bates stamped NYP 1656, do</p> <p>21 you see that towards the bottom?</p> <p>22 A. Yes.</p> <p>23 Q. You said: Midday as I entered</p> <p>24 Col's office I heard him speaking into the</p> <p>25 phone to an unknown person quote, number 1,</p>
<p style="text-align: right;">Page 148</p> <p>1 Clark</p> <p>2 many of these people are not smart. And</p> <p>3 second, the majority of them are minorities,</p> <p>4 end quote.</p> <p>5 Is that your best recollection of</p> <p>6 what Col Allan said that day?</p> <p>7 A. Yes.</p> <p>8 Q. In the first page of this document</p> <p>9 you wrote, it is the second paragraph:</p> <p>10 Delonas, Col Allan, Jesse Angelo, Frank Zini,</p> <p>11 Joseph Robinowitz and many other insensitive</p> <p>12 editors defends this quote, art, end quote.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. What did you hear Sean Delonas</p> <p>16 say?</p> <p>17 A. I didn't hear him say anything,</p> <p>18 however Shari was exchanging words with those</p> <p>19 editors that I mentioned here, except for Col</p> <p>20 Allan, I don't know if she exchanged words</p> <p>21 with him. But I was present when they were</p> <p>22 exchanging words, and basically she was just</p> <p>23 telling them how do they think that that is</p> <p>24 art, and that it is offensive and stuff like</p> <p>25 that. And they were going back and forth</p>	<p style="text-align: right;">Page 149</p> <p>1 Clark</p> <p>2 about the cartoon and what they felt and she</p> <p>3 said what she felt.</p> <p>4 Q. Shari Logan has already been</p> <p>5 deposed in this matter and we have her</p> <p>6 personal recollection, and today I want to</p> <p>7 find out your personal recollection of what</p> <p>8 happened. So tell me what you personally</p> <p>9 heard Sean Delonas say?</p> <p>10 A. I didn't hear Sean say anything.</p> <p>11 Q. Have you ever met Sean Delonas?</p> <p>12 A. I have not.</p> <p>13 Q. Is Sean Delonas an employee of the</p> <p>14 New York Post?</p> <p>15 A. I believe so, yes. He is the</p> <p>16 cartoon artist.</p> <p>17 Q. Do you know for sure that he is</p> <p>18 employed by the New York Post?</p> <p>19 A. From what I remember when I was</p> <p>20 doing the work for Carolyn like I said when</p> <p>21 she was not there on certain days and I would</p> <p>22 go to get the cartoon, I believe that he did</p> <p>23 call in one time because I think he was late</p> <p>24 with delivering the cartoon and he wanted to</p> <p>25 make sure that I received it. So I may have</p>

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1 Clark

2 Robinowitz.

3 Q. If I can direct your attention to  
4 paragraph 15: Moreover high level editors at  
5 The Post have repeatedly made racist, sexist  
6 and offensive comments in my presence.

7 Can you give me the names of some  
8 of those high level editors?

9 MS. LOVINGER: Objection.

10 A. Yes. I am referring to Jesse  
11 Angelo, Joe Robinowitz and Frank Zini, as well  
12 as Col Allan.

13 Q. Once again can you give me  
14 examples of any specific comments that were  
15 made?

16 A. I cannot give you specific as far  
17 as that, but the only one that I can give you  
18 specifics is the one from Col Allan  
19 referencing a majority of the people outside  
20 being minorities and uneducated people.

21 Q. Is that the only one that you  
22 remember?

23 A. Yes.

24 Q. You were asked questions earlier  
25 today about answering Col Allan's phone or not

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1 Clark

2 answering Col Allan's phone, do you recall  
3 that?

4 MS. LOVINGER: Objection.

5 A. Yes.

6 Q. If I can direct your attention to  
7 paragraph 19 on page 3, it reads: Rather than  
8 informing me of this fact Mr. Allan stormed  
9 out of his office and yelled at the deputy  
10 editor who was sitting directly next to me,  
11 will you tell that damn girl to answer the  
12 damn phone.

13 Is that what Col Allan said?

14 A. Yes.

15 MS. LOVINGER: Objection.

16 Q. Is that what Col Allan said?

17 A. Yes.

18 Q. And who was the deputy editor that  
19 was sitting directly next to you?

20 A. Greg, he is the sports deputy  
21 editor.

22 Q. Just so I am clear, why didn't you  
23 answer the phone?

24 A. It was not clear to me that I had  
25 to answer his phone at the time. I didn't

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1 Clark

2 know that Carolyn was not present in the  
3 office. And not only that, but I also -- the  
4 phones were ringing in the sports section as  
5 well, so I didn't realize that his phone was  
6 ringing at the time because so many lines were  
7 ringing. I was picking up the sports calls  
8 which was the duty that was described to me to  
9 do for that day. I wasn't aware that I had to  
10 pick up his phone as well.

11 Q. Because you didn't know his  
12 administrative assistant was there; is that  
13 correct?

14 A. Yes.

15 MS. LOVINGER: Objection.

16 Q. When Mr. Allan yelled at you how  
17 did that make you feel?

18 MS. LOVINGER: Objection.

19 A. Embarrassed. I felt like he was  
20 belittling me.

21 Q. Why?

22 A. Because of the way that he went  
23 about doing it, and I don't think that it was  
24 that serious. It was a phone call like. It  
25 is not like I made them miss a deadline for an

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1 Clark

2 important news story or something like that.  
3 Its just the way that he went about doing it,  
4 it just wasn't professional. And he cannot --  
5 we are not his children there, you can't treat  
6 your employees that way.

7 Q. Do you think if a man didn't pick  
8 up his call he would have said the same thing?

9 MS. LOVINGER: Objection.

10 A. I really don't think he would have  
11 done that if it was a man.

12 Q. Do you think he would have yelled  
13 if it was a man?

14 MS. LOVINGER: Objection.

15 A. Not as loud as he did.

16 Q. Did you complain about that  
17 incident?

18 A. I did.

19 Q. To who?

20 A. To Greg.

21 Q. What did you tell Greg?

22 A. I was just telling him that I felt  
23 uncomfortable and that I don't think that it  
24 was fair to me because I wasn't aware that I  
25 was supposed to answer his phone. And that it